

**PLAN COMMISSION
MEETING MINUTES
Monday, June 1, 2020**

Meeting was called to order at 7:00 p.m. by President Palmer

1. Roll Call.

Present in person: President Palmer, Thomas Harrigan, Zoning and Planning Administrator/Assistant to the Village Manager, Hector de la Mora, Village Attorney.

Present Via Video Conference: Mr. Cashin, Mr. Long, Mr. Reineke, Mr. Jodie, Mr. Kujawa, Trustee Michalski, Village Manager David De Angelis and Applicant.

Absent: None.

2. Review and act on meeting minutes dated 5/4/20.

Mr. Cashin motioned and Mr. Long seconded to approve the meeting minutes as submitted. Motion carried 7-0.

3. Review and act on a request for a Conditional Use Permit pursuant to §335-86 and §335-50.1 for the operation of a wireless telecommunications antenna to be located at 1085 Grandview Drive.

Mr. Patrick Hayes, property owner of 1085 Grandview Drive, was present before the Commission.

President Palmer asked Mr. Hayes if anything in the application has changed since it was submitted.

Mr. Hayes stated there have been no changes and the radio tower is not for commercial use.

President Palmer verified the radio tower will be used for the operation of a Federal Communications Commission (FCC) licensed HAM operation. President Palmer inquired what the distance would be from the proposed radio tower to the lot lines of the property.

Mr. Hayes explained the tower would stand 25' to the edge of the driveway northeast of the garage and located as close as possible to the large pine trees which straddle the northern property line.

Only the bottom 10' and very top of the tower would be visible as most of the structure would be screened by the large pine trees.

President Palmer asked if the structure were to fall, would it have the ability to reach any of the neighboring homes.

Mr. Hayes indicated the tower would not have the ability to contact adjacent homes if it were to fall.

Trustee Michalski asked how tall the tower would stand.

Mr. Hayes stated the tower would be approximately 60' in height. With the radio antenna on top of the tower it would stand 65' in height.

Mr. Michalski inquired how tall Mr. Hayes' home stands.

Mr. Hayes indicated he would estimate the tower would stand 30'-40' higher than the home. Mr. Kujawa asked if there would be an array of antenna on top of the tower.

Mr. Hayes stated antenna would be located on top of the tower.

Mr. Long inquired that if the tower were to fall, would it have the ability to strike any above ground utilities.

Mr. Hayes indicated that it would not.

President Palmer commented that if the Conditional Use Permit (CUP) is to be recommended for approval to the Village Board of Trustees, he would suggest a condition be included which states the CUP would terminate upon the failure of the applicant to maintain a valid FCC license.

President Palmer also noted the application will need to include the exact location and dimensions of the "fall zone" of the tower. It would be helpful to see pictures taken from multiple locations of the fall zone.

Mr. Kujawa opined he would not appreciate looking at the tower if he lived on the west side of Grandview.

Attorney de la Mora noted that in the absence of a vision easement, the neighbors have no claim to a vista.

Mr. Reineke suggested it may be helpful for Mr. Hayes to bring detailed photographs of the tower and its proposed location to the Public Hearing.

Attorney de la Mora highlighted that Wisconsin Act 50 allows a community to take into consideration safety, but not aesthetics, when considering approval of the tower. That is not to say the Commission cannot make a recommendation on the matter. It should also be noted that the tower, if approved, would be subject to building inspections by way of a building permit.

Mr. Cashin stated that he highly recommends the tower undergo engineering review and the applicant provide plans which are stamped by a licensed professional engineer within the State of Wisconsin.

Mr. Hayes commented that he understands and agrees the towers foundation is the key to its stability.

Mr. Cashin opined that he shares similar sentiments as Mr. Kujawa, but understands the Commission is limited in authority due to Wisconsin Act 50.

Mr. Kujawa inquired if the Commission is able to table the application.

President Palmer asked for what reason.

Mr. Kujawa stated that he is familiar with the process of items being tabled in order to create the possibility of the item going away. Mr. Kujawa asked that if the Commission has limited scope of authority to deny the CUP application, why it is being reviewed in the first place. There is no need for debate.

President Palmer respectfully disagreed with Mr. Kujawa. Yes, there is very limited authority granted to the governing body, however the CUP allows for regulation over the tower if the applicant is to move away from the property, no longer be the owner of the property, or if he no longer maintains a valid FCC license.

President Palmer motioned to recommend approval of the draft CUP to the Village Board of Trustees contingent upon the applicant submitting stamped engineering plans reviewed by a licensed engineer within the State of Wisconsin, including the provision that the CUP will terminate

upon failure of the applicant to maintain a valid FCC amateur radio license, and upon the applicant no longer residing at the property. These will be in addition to the provisions already stated within the CUP. Mr. Michalski seconded.

Mr. Kujawa asked the Commissioners if anyone else has issue with this CUP application.

Mr. Cashin confirmed, he also has reservation with the CUP.

Mr. Kujawa recommended the CUP include language which states the Plan Commission is unable to stop the CUP application in anyway due to State and Federal law.

President Palmer asked Mr. Kujawa to propose the language which should be included.

Mr. Kujawa motioned that the CUP be amended to include, "WHEREAS, State law prevents the Plan Commission from preventing or placing restrictions on the erection of this wireless telecommunication tower."

President Palmer amended his original motion to include the language which Mr. Kujawa suggested. Mr. Michalski seconded. Motion carried 7-0.

President Palmer suggested Mr. Hayes attend the Public Hearing in person in order to field questions directly.

4. Other Business

None.

5. Adjournment

Mr. Cashin motioned to adjourn, seconded by Trustee Michalski, Motion carried 7-0.

Meeting adjourned at 7:50 pm.

Respectfully Submitted,

Thomas Harrigan
Zoning and Planning Administrator/
Assistant to the Village Manager